

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NY 10007-1312

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

212-805-0194

March 13, 2018

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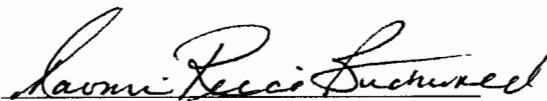
Re: Knight First Amendment Institute et al. v. Trump et al.
17 Civ. 5205 (NRB)

Dear Counsel:

At oral argument, the government stated that the blocking of Twitter users on the @POTUS and @WhiteHouse accounts would “likely would run afoul of the First Amendment but not because of public forum doctrine” and that “it is probably true that government cannot block individuals purely on the basis of viewpoint from a government account like the @POTUS account,” Hr’g Tr. 26:19-20, 29:16-18. We understood the totality of the government’s position to be that the First Amendment prohibits the blocking of users from those accounts. We neglected, however, to address the impact of this position on the question currently before the Court—whether such blocking may occur on the @RealDonaldTrump account.

Accordingly, we request that the government submit, by March 28, a letter brief of no more than five pages clarifying its position. If the government continues to take the position that users may not be blocked from the @POTUS and @WhiteHouse accounts, it should explain all of the ways in which the First Amendment analysis differs for those two accounts on the one hand and the @RealDonaldTrump account on the other. If the government no longer takes the position that such blocking is unconstitutional, it should explain why such blocking is in fact permissible. The plaintiffs may submit a responsive letter within seven days of the government’s letter.

Very truly yours,


Naomi Reice Buchwald
United States District Judge